

In re Braun et al.
U.S. Patent App. No. 09/930,913

Amendments to the Claims

Claim 1 (currently amended): A method for evaluating financing structures for procuring a real estate asset by an entity, the method comprising the steps of:

inputting information into a computer for processing the information wherein the information comprises financial data and non-financial data relating to the real estate asset, at least one financial datum is a performance metric of the entity;

providing a plurality of financing structures;

processing the financial data and the non-financial data into indicator values representing the financial data and the non-financial data with the computer;

evaluating the indicator values for the financial data and the non-financial data with respect to the plurality of financing structures;

to get computing a total score for each financing structure with the computer based on the indicator values for the financial and the non-financial data; [[and]]

~~outputting the total score for each financing structure from the computer~~

to compare comparing the total scores of all financing structures and determining an optimal financing structure based on the comparison of the total scores with the computer;

performing a sensitivity analysis on each financing structure with the computer; and

to obtain outputting a report from the computer showing the [[an]] optimal financing structure for procuring the real estate asset, said report further showing results of the sensitivity analysis performed on each financing structure.

Claim 2 (original): The method of claim 1 further comprising the steps of:

assigning and applying weights to the indicator values that represent the importance of the financial data and the non-financial data for each financing structure; and

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evaluating the weighted financial data and the non-financial data to get a total score of the financial data and the non-financial data for each financing structure.

Claim 3 (original): The method of claim 1 wherein the financing structures comprise an ownership financing structure and a lease hold financing structure.

Claim 4 (original): The method of claim 1 wherein the financing structure may be selected from the group consisting of: ownership using corporate funds, ownership with debt, a real estate investment trust, a partnership, and a joint venture.

Claim 5 (original): The method of claim 1 wherein the financing structures may be selected from the group consisting of: a short term-lease, a long-term lease, a credit sale/leaseback, a tax motivated leverage lease, and a synthetic lease.

Claim 6 (original): The method of claim 1 wherein the financing structures may be selected from the group consisting of: ownership using corporate funds, ownership with debt, a real estate investment trust, a partnership, a joint venture, a short-term lease, a long-term lease, a credit sale/leaseback, a tax-motivated leveraged lease, and a synthetic lease.

Claim 7 (original): The method of claim 1 further comprising the step of: manipulating the financial data into performance metrics and assigning weights to the performance metrics to determine a financial data total, score.

Claim 8 (previously presented): The method of claim 1 wherein the financial data is selected from the group consisting of: a net present value after tax factor, an economic value-added factor, a total debt to capital factor, a capital requirement factor, a profit and loss ("P&L") cost impact factor, an earnings before interest and tax ("EBIT") interest coverage factor, an earnings before interest, tax, depreciation and amortization ("EBITDA") interest coverage factor, a free cash flow to total debt factor, a funds from operations to total debt factor, a diluted

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earnings per share ("EPS") from continuing operations factor, an operating profit/net sales factor, a return on assets factor, a return on equity factor, and a return on total capital factor.

Claim 9 (original): The method of claim 1 wherein the non-financial data is selected from the group consisting of: a strategic importance factor, a facility size factor, a replacement cost factor, a degree user specific factor, a market value/book value factor, a length of commitment factor, a certainty of occupancy factor, a flexibility factor, a market conformance factor, a size of market factor, a quality of market factor, and a rent/value trend factor.

Claim 10 (original): The method of claim 1 wherein the information relates to financial data of the entity desiring to procure the real estate.

Claim 11 (original): The method of claim 1 further comprising the step of:
evaluating the entity desiring to procure the real estate asset and the real estate asset for the financial and the non-financial data.

Claim 12 (original): The method of claim 1 further comprising the step of:
evaluating the real estate asset and the entity desiring to procure the real estate asset; and
designing a model that processes the financial and the non-financial information into indicator values.

Claim 13 (original): The method of claim 1 wherein the evaluation of the entity comprises reviewing documentation of the entity and interviewing personnel from within the entity.

Claim 14 (cancelled)

Claim 15 (original): The method of claim 1 further comprising the step of:
converting the financial information into standardized units prior to assigning the indicator values to the financial information.

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Claim 16 (cancelled).

Claim 17 (currently amended): A system for evaluating financial structures for procuring a real estate asset by an entity comprising:

means for inputting information wherein the information comprises financial data and non-financial data relating to the real estate asset, at least one financial datum is a performance metric of the entity;

a database comprising information relating to real estate financing structures;

means for processing the financial data and the non-financial data into indicator values representing the financial data and the non-financial data;

means for evaluating the indicator values for the financial data and the non-financial data with respect to the real estate financing structures;

[[to get]] means for computing total scores for each real estate financing structure based on the indicator values for the financial and the non-financial data; and

~~means for outputting the total scores for each real estate financing structure~~

~~to compare means for comparing the total scores for each real estate financing structure for determining an optimal financing structure based on the comparison of the total scores;~~

means for performing a sensitivity analysis on each financing structure;

~~to obtain means for outputting a report showing the [[an]] optimal financing structure for procuring the real estate asset, said report further showing results of the sensitivity analysis performed on each financing structure.~~

Claim 18 (original): The system of claim 17 further comprising:

means for assigning weights to the indicator values that represent the importance of the financial data and the non-financial data for each financing structure; and

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means for evaluating the weighted financial data and the non-financial data to get a total score for the financial data and the non-financial data for each financing structure.

Claim 19 (original): The system of claim 17 wherein the financing structures may be selected from the group consisting of: ownership using corporate funds, ownership with debt, a real estate investment trust, a partnership, a joint venture, a short-term lease, a long-term lease, a credit sale/leaseback, a tax-motivated leveraged lease, and a synthetic lease.

Claim 20 (original): The system of claim 17 wherein the non-financial data is selected from the group consisting of: a strategic importance factor, a facility size factor, a replacement cost factor, a degree user specific factor, a market value/book value factor, a length of commitment factor, a certainty of occupancy factor, a flexibility factor, a market conformance factor, a size of market factor, a quality of market factor, and a rent/value trend factor.